79-1190

No.

Supreme Court, U. S.
FILED
FEB 1 1980
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

JANUARY TERM, 1980

LA SALLE NATIONAL BANK as Trustee under Trust No. 21113,

Petitioners,

vs.

PEOPLES GAS LIGHT & COKE COMPANY,

Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

WILLIAM HENNING RUBIN
188 W. Randolph — 714
Chicago, Illinois 60602
(312) 263-6780
Attorney for Petitioners

LAW OFFICES OF:
WILLIAM HENNING RUBIN
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Chicago, Illinois 60602
263-6780
Of Counsel

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

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In the
Supreme Court of the United States

JANUARY TERM, 1980

No.

LA SALLE NATIONAL BANK as Trustee under Trust No. 21113,

Petitioners,

vs.

PEOPLES GAS LIGHT & COKE COMPANY,

Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

Complaint Verified.

In the Circuit Court of Cook County, Illinois
Municipal Department, First District

PEOPLES GAS LIGHT & COKE CO., a public utility corp.

plaintiff

v.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee u/t 21113, RANDOLPH MORTGAGE CORPORATION, WILLIAM H. RUBIN, BRIAN FLISK, BARRY FLISK, B. COLEMAN CORP., a corp.

defendant

No. 78M1-16346
Amount claimed $9280.94
Return date April 27, 1978

COMPLAINT

COUNT I

The plaintiff claims as follows:

1. That at all times mentioned herein, Peoples Gas Light & Co. was a public utility corporation operating and selling natural gas in the City of Chicago, Illinois.

2. That at all times mentioned herein the defendant, LaSalle National Bank of Chicago as trustee under Trust #21113, was the owner of the property commonly known as 219 North Central Avenue, Chicago, Illinois pursuant to a deed in trust dated January 28, 1958, and recorded in the office of the Recorder of Deeds as document #17127352 on February 5, 1958.

3. That on January 15, 1958, the defendant, LaSalle National Bank as trustee executed a certain mortgage and note to Bell Federal Savings & Loan Association and that same was recorded as document #17127352.

4. That upon a date unknown to the plaintiff, but prior to January 1, 1977, the defendant, Randolph Mortgage Corporation, did receive an assignment of the trust deed and note from Bell Federal Savings & Loan Association of all the right, title and interest of Bell Federal in and to said note and mortgage on the property known as 219 North Central, Chicago, Illinois.

5. That at all times mentioned herein, the defendant, William H. Rubin, was the registered agent for Randolph Mortgage Corporation and upon information and belief maintained an ownership interest in and to said corporation and its assets.

6. That further, on December 1, 1976, the Secretary of State of Illinois did involuntarily dissolve Randolph Mortgage Corporation and did notify William H. Rubin as registered agent of said action.

7. That some time prior to January, 1977, the defendant, LaSalle National Bank, as trustee, and the beneficiaries of said trust did default in the payments of the mortgage to Randolph. That as a result of said default and through some means unknown to the plaintiff, the defendant, Randolph, acting through the defendant, Rubin, did gain possession and control over the premises at 219 North Central Avenue.

8. That the defendant, William H. Rubin, did turn said building over to the defendants, Brian Flisk and Barry Flisk for the purpose of collecting the rents from the property and to manage said property. That Brian Flisk did upon information and belief use the defendant, B. Coleman Corp., a corporation, being owned by Brian Flisk and Barry Flisk, to manage said property in name only.

9. That on Jan. 21, 1977, the defendant, Rubin, did cause to be filed a certain mortgage foreclosure, 77 CH 4214, in

the Circuit Court of Cook County, Illinois. That said cause of action was subsequently dismissed for want of prosecution by Judge Heckinger.

10. That upon information and belief the defendants, William Rubin, Randolph Mortgage Corp., Brian Flisk, Barry Flisk and B. Coleman Corp. at no time ever obtained any lawful order of Court or deed in lieu of foreclosure from any party in title or having an interest in the LaSalle Trust #21113, granting possession of said property to the defendants.

11. That irrespective of their right of possession and control of the subject property, the defendants aforesaid did collect rents and maintain control over 219 North Central, Chicago, Illinois, subsequent to January, 1977, and that upon information and belief continue to do so on this date.

12. That the defendants, William H. Rubin, Brian Flisk, Barry Flisk and B. Coleman Corp., did commit one or more of the following acts with the specific intent of defrauding the plaintiff herein out of the value of natural gas being supplied to 219 North Central, Chicago, Illinois:

a. upon taking possession and control of the premises the defendants and each of them did intentionally fail to contact the plaintiff for the purpose of establishing natural gas service to their names individually or as agent for the proper named owner of the premises.

b. Continued from January 5, 1977 through and including March 11, 1978, and continuing intentionally and with the specific intent of defrauding the plaintiff allowed natural gas service to be supplied to the premises at 219 North Central, Chicago, Illinois, intending not to pay the plaintiff the value for said services supplied.

c. Did allow the plaintiff to supply natural gas to the aforesaid property with the specific intent of de-

frauding the plaintiff by claiming that they never contracted for the gas service from the plaintiff in their names, knowing at all times that the named recepient of gas service no longer held any interest in the property and was in fact in a federal penal institution from a date prior to the defendants taking possession of the premises.

d. Did with the specific intent of defrauding the plaintiff fail and refuse the plaintiff access to the premises to terminate natural gas thereby preventing further unauthorized use of the gas.

13. That as a direct result of the aforesaid intentional acts by the named defendants, the plaintiff has supplied gas service through March 11, 1978, having a value of $9280.94, to 219 North Central, Chicago, Illinois, and that the plaintiff has at all times been in the exercise of due care and in accordance with pertinent Illinois Commerce Commission Regulations.

14. That plaintiff is entitled to the sum of $9,280.94, for the unlawful conversion of gas by the named defendants.

WHEREFORE, plaintiff prays for judgment against William H. Rubin, Brian Flisk, Barry Flisk and B. Coleman Corp., in the sum of $9,280.94, and costs.

COUNT II

Plaintiff realleges paragraphs 1 through 12 of Count I as paragraphs 1 through 12 of Count and further states:

13. That the defendants, William H. Rubin, Brian Flisk, Barry Flisk and B. Coleman Corp., committed one or more of the aforesaid acts in a wilful and wanton manner and with a conscious indifference to the rights of the plaintiff and that malice is the gist of the action.

14. That as a result of the wilful and wanton acts of the named defendants, the plaintiff has been damaged in the sum of $9280.94.

15. That the plaintiff is entitled to punitive damages in the sum of $5,000.00 for the acts of the defendants.

WHEREFORE, plaintiff prays for a judgment with a finding that malice is the gist of the action against William H. Rubin, Brian Flisk, Barry Flisk and B. Coleman Corp., in the sum of $9280.94, compensatory damages and $5,000.00 punitive damages.

COUNT III

Plaintiff realleges paragraphs 1 through 12 of Count I as paragraphs 1 through 12 of Count III, and further states:

13. That the defendants and each of them have benefited unjustly as a result of the unlawful conversion of natural gas and continued gas service to 219 North Central, Chicago, Illinois, at the expense of the plaintiff.

14. That the defendants by their acts are liable to the plaintiff in the sum of $9280.94 in quasi-control for using the plaintiff's natural gas in the aforesaid premises.

WHEREFORE, plaintiff prays for a judgment against the defendants in the sum of $9,280.94, plus costs.

PEOPLES GAS LIGHT & COKE CO.,
a public utility corp.

By .....

I, Norman Wexler, on oath state that I am the agent for plaintiff in the above entitled action. The allegations in this complaint are true.
Signed and sworn to before me _____
March 27 1978

_____

Notary Public

Wexler, Wexler and Heller, Ltd.
Attorney for Plaintiff
134 North LaSalle Street
Chicago, Illinois 60602
Central 6-3644

IN THE CIRCUIT COURT OF COOK
COUNTY ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY, a Public Utility corporation,

Plaintiff,

—vs—

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee, U/T No. 21113, et al,

Defendants

78M1—16346

MOTION TO STRIKE AND DISMISS,
PURSUANT TO SECTION 45
OF THE CIVIL PRACTICE ACT

NOW COMES RANDOLPH MORTGAGE CORPORATION, an Illinois corporation, one of the Defendants, by WILLIAM HENNING RUBIN, its attorney, WILLIAM HENNING RUBIN its Registered Agent, and WILLIAM HENNING RUBIN, pro se, and, pursuant to Section 45 of the Civil Practice Act, moves to strike and dismiss the Complaint.

That in support of this Motion, Randolph Mortgage Corporation and William Henning Rubin say as follows:

1. That the Complaint was filed as a tort action which is an abuse of legal process on the part of the attorneys for plaintiff since there are no tortious acts alleged nor could defendants possibly be liable for any tortious acts.

2. That in further support of this Motion Defendant Randolph Mortgage Corporation and William Henning Rubin say as follows:

3. That the Complaint on its face alleges that Randolph Mortgage is the mortgagee and that LaSalle National Bank is the trustee under Trust No. 21113 and that it is the owner of the real estate.

4. That the Complaint further alleges that William Henning Rubin is the registered agent but there are no well pleaded allegations to enable Defendant to plead to the Complaint when the law is quite clear that a registered agent has no liability whatsoever.

5. That the duty of the registered agent is only to receive service of processes for and on behalf of the corporation without any personal liability to the registered agent.

6. That there are no well pleaded allegations as to how the attorney for the mortgagee could possibly become personally liable to the plaintiff for gas consumed on the premises.

7. That the Complaint alleges that the mortgagee, Randolph Mortgage Corporation and the attorney turned the property over to Brian Flisk and Barry Flisk to collect rent but there are no well pleaded allegations that would make either Randolph Mortgage Corporation or William Henning Rubin the Attorney, liable to Plaintiff.

8. That the Complaint on its face states that William Henning Rubin was the attorney for Randolph Mortgage Corporation, and was also registered agent and therefore liable to Plaintiff for gas, which is a conclusory statement contrary to any case law, that would obligate the attorney or the registered agent. That Plaintiff attempts to cure this deficiency by adding that Defendant Rubin may have an interest in the property. That is all a matter of conjecture and should be stricken.

9. That Plaintiff, having named several individuals as defendants, then in a "catch-all phrase" asks for judgment

9. That the statements made in paragraph 3 of Count 2 are conclusory.

10. That allegations of demands are averred to have been made on the Defendants since there were alleged to be three defendants, and the Complaint fails to allege the date, and the place, of demands and the persons upon whom the demands were made.

11. That the averment contained in paragraph 4 of Count 2 that there is an account stated between the parties, is a conclusion, since there are no proper allegations that would enable this Court to determine without additional allegations and documentary proof that Coates-Miller, Inc. at any time agreed to act as either principal or agent for the premises.

WHEREFORE, Defendant Coates-Miller, Inc. moves that the Complaint be stricken and the cause dismissed at Plaintiff's cost.

That the Plaintiff go hence without day; and

DEFENDANT FURTHER MOVES That he may have such further relief as the court may deem proper.

COATES-MILLER, INC., et al,
Plaintiffs,

By .....
William Henning Rubin
Its attorney

Law Offices of:
WILLIAM HENNING RUBIN
188 W. Randolph — 714
Chicago, Illinois 60601
263-6780

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY,
Plaintiff,

-vs-

LASALLE NATIONAL BANK OF CHICAGO as Trustee u/t 21113, RANDOLPH MORTGAGE CORPORATION, et al.,
Defendants.

NO. 78M1-16346

MOTION TO DISMISS

Defendant, LASALLE NATIONAL BANK, as Trustee under Trust No. 21113 (TRUSTEE), by its attorneys, LIEBLING, HAUSELMAN & MILLER, LTD., as and for its Motion to Dismiss, states as follows:

1. That the LaSalle National Bank is Trustee under Trust No. 21113 and merely holds title to the premises in question as a naked land trustee and has no further interest in the trust property.

2. That the Trustee does not manage, operate or in any other way control the premises which constitute the trust *res* in any manner whatsoever.

3. That the name and last known address of the beneficiary of said trust is as follows:

Lonnie B. Branch, Jr.
9216 S. Union Avenue
Chicago, Illinois 60620

WHEREFORE, LaSalle National Bank, as Trustee under Trust No. 21113, respectfully requests the Court to enter an Order dismissing it and for any and all further relief.

LIEBLING, HAUSELMAN &
MILLER, LTD.

By: .....
A member of the firm

LIEBLING, HAUSELMAN & MILLER, LTD.
Attorneys for LaSalle National Bank
39 South LaSalle Street
Chicago, Illinois 60603
372-2020

IN THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

PEOPLES GAS LIGHT & COKE CO.,
Plaintiff,

v.

LA SALLE NATIONAL BANK, et al.,
Defendants

No. 78 M1 16346

MOTION

Now come defendants RANDOLPH MORTGAGE CORPORATION, WILLIAM HENNING RUBIN, WILLIAM H. RUBIN and BRIAN FLISK and move to vacate the judgment entered December 18, 1978.

That in support thereof defendants state as follows:

1. That leave was given on September 6, 1978 to file a petition to vacate the judgment entered ex parte and staying the execution until December 12, 1978.

2. That on December 18, 1978, without any prior notice, plaintiff obtained a judgment against the defendants.

3. That the judgment is void on its face and can be set aside in accordance with the decisions of the Appellate Court and Illinois Supreme Court.

4. That a void judgment can be set aside at any time and the Court retains jurisdiction for that purpose.

5. That RANDOLPH MORTGAGE CORPORATION is an Illinois corporation and has foreclosed the mortgage

secured by the real estate located at 219 N. Central, Chicago, IL.

6. That WILLIAM H. RUBIN is the registered agent.

7. That the only liability for the payment of the gas bill would be the beneficiaries that contracted for the gas, which is LONNIE BRANCH, who is now located in the U. S. penitentiary.

8. That counsel for plaintiff abused his legal discretion in filing a tort action against the defendants when there is no tort liability.

9. That counsel for plaintiff must explain to this Court how this Court entered an order on December 18, 1978 when the case had been set for hearing on December 12, 1978.

WHEREFORE, defendants move that the judgment entered heretofore be vacated and this case be set for hearing on a date certain.

.....
WILLIAM HENNING RUBIN
Attorney for Defendants

WILLIAM HENNING RUBIN
188 W. Randolph St.
Chicago, IL 60601
263-6780

BE IT REMEMBERED, that afterwards, to-wit: on the 3rd day of APRIL, A.D. 1979, the following among other proceedings were had and entered of record in said Court which proceedings were and are in words and figures following to-wit:

PRESENT HONORABLE CHARLES P. HORAN
One of the Judges of the Court

BERNARD CAREY, State's Attorney
RICHARD J. ELROD, Sheriff
MORGAN M. FINLEY, Clerk

PEOPLES GAS LIGHT & COKE CO., a public utility corp.

vs.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee u/t 21113, RANDOLPH MORTGAGE CORPORATION, WILLIAM H. RUBIN, BRIAN FLISK, BARRY FLISK, B. COLEMAN CORP., a corp.,

---

No. 78M1-16346

TORT

Transfer to Room 1401 for Judge Zlatnik.

IN THE CIRCUIT COURT OF COOK
COUNTY ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY, a public utility corporation,

Plaintiff

vs

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee U/T/No. 21113, et al,

Defendants

NO. 78 M1 16346

MOTION TO VACATE VOID ORDER

NOW COMES DEFENDANTS, RANDOLPH MORTGAGE CORPORATION and WILLIAM HENNING RUBIN and BRIAN FLISK and BARRY FLISK, and move to vacate the void order entered on the 8th day of November, 1978.

That in support of this Motion to vacate the void court order entered on the 8th day of November, 1978, Defendants say as follows:

1. That there are no minutes of the trial judge Michael Zlatnik that reflect that a hearing was held and that a witness or witnesses testified for plaintiff;

2. That Defendant Randolph Mortgage Corporation, an Illinois corporation, Brian Flisk, Barry Flisk and William Henning Rubin were liable to plaintiff for the use of any gas to the premises. That no witness could have testified unless he was guilty of perjury since none of the defendants herein could possibly be legally liable for the payment of the gas bill.

3. That there is no law on the statute books of the State of Illinois that makes a mortgagee such as the Randolph Mortgage corporation liable for the payment of any bills for the operation of the building.

4. There is no statute in the State of Illinois that makes the registered agent liable for the payment of any gas bills.

5. That the plaintiff's counsel inserted a statement in the Complaint that the registered agent had an interest in the real estate, which is false and untrue.

6. That the records of the trustee, LaSalle National Bank under Trust No. 21113, does not disclose any interest other than the beneficiary of the trust, who is incarcerated in the United States Penetentiary.

7. That Brian Flisk and Barry Flisk are not managing the property and have no interest in Randolph Mortgage Corporation.

8. That the Complaint here was filed deliberately as a tort action to try to convince the court that a "tort action" had been committed by these defendants, which is false and untrue.

9. That Plaintiffs did not verify the Complaint.

10. That plaintiffs could not verify the complaint since all the statements were false and untrue.

11. That on the date that the case was supposed to have been heard there was no file in the courtroom.

12. That this proceedings is being brought before the trial judge for the purpose of having him state in the record exactly what his minutes show as to the name of the person or persons who testified, their addresses and the testimony that they gave.

13. That the statement that Counsel for Plaintiff makes that he notified us of the entry of the judgment is false and

without merit and should be disregarded by the court for it is offered as a defense for the continuation of the void order and judgment.

14. That the rights of the parties have never been adjudicated by this court.

15. That the entry on the half sheet is not evidence that a trial was held. The plaintiff is required to prove his case and there is no way that anyone could have testified that any of these defendants were liable personally for the debt that plaintiff claimed was owing to it.

16. It has always been the law in this state that a trial court will reverse a decision if it abused its discretion.

17. That under the Rules of the Civil Procedure as provided by the Rules of the Supreme Court of Illinois Defendants have a right to appear before the trial court to clarify the record since there is no presumption that a trial took place or that evidence was heard without the court reporter's transcript or the minutes of the judge that presided at the trial.

WHEREFORE, DEFENDANTS MOVE That an order be entered vacating the void order that Randolph Mortgage Corporation, mortgagee, that William Henning Rubin, Attorney for Randolph Mortgage Corporation, that Brian Flisk, and Barry Flisk are liable to the plaintiff for any sum whatsoever.

That this Court further order the plaintiff to produce the transcript of a court reporter that took the testimony covering the names and addresses of any witnesses that testified at the trial, and whose testimony was recorded by the court reporter in accordance with the Rules of the Supreme Court of Illinois which require either litigant Plaintiff or Defendant to transcript if one is in existence.

DEFENDANTS FURTHER MOVE That they may have such further relief as the court may deem proper.

LA SALLE NATIONAL BANK OF
CHICAGO As Trustee Under Trust
No. 21113, et al, Defendants

By /s/ *William Henning Rubin*
William Henning Rubin
Their attorney

WILLIAM HENNING RUBIN
188 W. Randolph — 714
Chicago, Illinois 60602
263-6780

TO THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

NUMBER ———

PEOPLES GAS LIGHT & COKE COMPANY, a public utility corporation,

Plaintiff-Appellee

vs.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee Under Trust No. 21113, et al,

Defendants-Appellants

On Appeal from the Circuit Court of Cook County, Illinois Municipal Dept. — Number 78 M1 16346

HON Michael Zlatnik Judge Presiding

NOTICE OF APPEAL

TO:

Wexler & Wexler
134 North LaSalle Street
Chicago, Illinois

NOTICE IS HEREBY GIVEN That RANDOLPH MORTGAGE CORPORATION, an Illinois Corporation, WILLIAM HENNING RUBIN, Registered Agent, BARRY FLISK, BRIAN FLISK, and B. COLEMAN CORPORATION, an Illinois Corporation, Defendants-Appellants, hereby appeal to the Appellate Court of Illinois First District from:

The ex parte order entered August 17, 1978; from the order entered on March 23, 1979; and from the order entered on the 25th of April, 1979 pursuant to the Motion unless he was guilty of perjury since none of the defen-

made on April 3, 1979 to vacate the order of March 23, 1979 and the order entered denying defendants' motion to vacate all of said orders.

DEFENDANTS FURTHER APPEAL from the Order entered April 25, 1979 refusing to enter an order on the motion to vacate the void order entered on August 17, 1978 and the order entered on March 23, 1979, pursuant to motion of April 13, 1978.

DEFENDANTS PRAY that said order be reversed and this cause set for trial on the merits.

DEFENDANTS FURTHER PRAY That all of the findings made ex parte without a trial on the 17th of Aug, 1978 be vacated.

PLAINTIFFS FURTHER PRAY that they may have such further relief as the Court deems proper.

RANDOLPH MORTGAGE CORPORATION,
WILLIAM HENNING RUBIN
BRIAN FLISK, BARRY FLISK, and
B. COLEMAN CORPORATION,
Defendants-Appellants

By *William A. Rubin*
William Henning Rubin
Their attorney and attorney pro se

WILLIAM HENNING RUBIN
188 W. Randolph—714
Chicago, Illinois 60602
263-6780

PROOF OF SERVICE.

William Henning Rubin, hereby certifies that he served a copy of the aforegoing Notice of Appeal on Counsel for Plaintiff, this 2th day of April, 1979, by Personal Service.

/s/ *William Henning Rubin*
WILLIAM HENNING RUBIN,
Attorney for Certain Defendants

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS-MUNICIPAL DEPARTMENT FIRST DISTRICT

PLAINTIFF VS. DEFENDANT

PLAINTIFF'S ATT.

ADDITIONAL NAMES

RETURN DAY: 04 | 27 | 78 — NUMBER: 77 | M | 16346

CLERK'S $ 9,280.94

PLAINTIFF FEES DEFENDANT

5.00 27.00 22.00 16,346

CERTAIN FILED. SUMMONS ISSUED. RETURNABLE AT ROOM NUMBER 602

ANSWER FILED 05 | 29 | 78

APR 27 1978 SUM. FLD. RET. SERV. 4/15/78

Appearance filed

APR 27 1978

APR 27 1978 Appearance filed.

APR 27 1978 SUM. FLD. RET. NOT FOUND

JUN 5 1978 SUM. FLD. RET. NOT FOUND

JUN 14 1978 ALIAS SUMMONS ISSUED

MAY 4 - 1978 ALIAS SUMMONS ISSUED 4/7/78

JUDGE	ORDERS ENTERED	DATE	JUDGE	MEMORANDA OF POSTPONEMENTS
	MOTION FOR DEFAULT Mo to dismiss per draft mot as to La Salle Nat Bank as trustee Only	SEP 28 1978		CITATION SUMMONS ISSUED 10 m prev order filed
MAY 9 1978	MEYER H. GOLDSTEIN B. Coleman Def'd per Servi			Set for answer call room 1305 11:00 A. M. Date MAY 18 1978
MAY 9 1978	MEYER H. GOLDSTEIN Damages assessed by court on affidavit of claim Ninety two hundred eighty 92/100 dollars $9280.94 on default and assessment damages versus B. Coleman Def. Only Ninety two hundred eighty dollars $9280.94 & Costs	MAY 9 1978		Affidavit as to Military Service Filed DEFAULTED WANT OF ANSWER
MAY 18 1978	MEYER H. GOLDSTEIN Order of Court time to file answer 20 days. Wm Rubin & Randolph Mortgage Corporation	5-18-78		SET FOR TRIAL CALL 9:30 A.M. ROOM 1104 DATE 8-17-78
JUN 1 1978	Michael F. Zlatnik Lv field Amd app 28 days Am Pet	JUL 11 1978		SUM. FLD. RET. SERV. 6/19/78
JUN 12 1978	MEYER H. GOLDSTEIN MOTION PLAINTIFF Samuel Jones APPOINTED SPECIAL DEPUTY TO MAKE SERVICE OF PROCESS	JUN 12 1978	MEYER H. GOLDSTEIN	Motion Def't
		6-26-78		Motion to strike and dismiss

DATE	JUDGE	ORDERS ENTERED	DATE	PAPERS FILED AND WRITS ISSUED
JUL 13 1978		Deft Brian Flusk dfltd pers serv	11/3/78	10/3/78
AUG 17 1978	Michael F. Zlatnik	XP Trial by court finding issue versus defendant. Damages fixed at Ninety Two Hundred Eighty Dollars ($9280.00) 94 Judgment on finding versus defendant in the sum of $9280.00 and costs.		W. N. Rufus + B. Flusk. B. Flusk + B. Coleman Inc.
MYRON GOMBERG	NOV 08 1978	J. Levy & B. Coleman Corp Agt		M. Rogers.
		Rule on defendant to show cause at Room 1403, 9:30 A.M. on JAN 19 1979 for failure to attend as witness before Court		
DEC 6 1978	Schaber	Exc 1-11-79 21 day supby		
JAN 19 1979	JUDGE LEONARD R. GRAZIANI	4-10-79 Stet		

BE IT REMEMBERED, that afterwards, to-wit: on the 25th day of APRIL A.D. 1978 the following among other proceedings were had and entered of record in said Court which proceedings were and are in words and figures following to-wit:

PRESENT HONORABLE MEYER H. GOLDSTEIN
One of the Judges of the Court
BERNARD CAREY, State's Attorney
RICHARD J. ELROD, Sheriff
MORGAN M. FINLEY, Clerk

PEOPLES GAS LIGHT & COKE CO., a public utility corp.,

vs.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee u/t 21113, RANDOLPH MORTGAGE CORPORATION, WILLIAM H. RUBIN, BRIAN FLISK, BARRY FLISK, B. COLEMAN CORP. a corp.

No. 78M1-16346

TORT

It is ordered by the Court that the motion to dismiss be and same is hereby Sustained as to LaSalle National Bank ONLY.

MORGAN M. FINLEY
Clerk of the Circuit Court of
Cook County

IN THE CIRCUIT COURT OF COOK COUNTY
ILLINOIS, MUNICIPAL DEPARTMENT,
FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY, a public utility corporation,

Plaintiff

vs.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee under Trust No. 21113, et al,

Defendants

NO. 78 M1 16346

(Filed In the Circuit Court of Cook County, Ill. Municipal Department, First District April 25, 1979 — *Morgan M. Finley* Clerk of Court)

MOTION TO PRODUCE

You are hereby requested to produce at the hearing tomorrow before the HONORABLE MICHAEL ZLATNIK a list of the names and addresses of the persons that testified before the HONORABLE MICHAEL ZLATNIK on the 17th day of August, 1978, that Brian Flisk, Randolph Mortgage Corporation and William Henning Rubin had an interest in the real estate.

YOU are further requested to produce all documents offered in evidence with reference thereto.

YOU ARE FURTHER REQUESTED To Produce any transcript of a court reporter that took the testimony on the 17th day of August, 1978 at said hearing.

RANDOLPH MORTGAGE CORPORATION
et al,

By *William Henning Rubin*
William Henning Rubin
Their attorney

Dated at Chicago, Illinois
This 24th of April, 1979

WILLIAM HENNING RUBIN
188 W. Randolph—714
Chicago, Illinois 60602
263-6780

PROOF OF SERVICE

WILLIAM HENNING RUBIN certifies that he served a copy of the aforementioned Motion to Produce on Wexler & Wexler this 24th day of April, 1979 by placing same in the office at the address detailed hereinabove, to Wexler & Wexler at 134 N. LaSalle, Chicago, Illinois.

/s/ *William Henning Rubin*

IN THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS, MUNICIPAL DEPARTMENT,
FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY,
Plaintiff

vs.

LA SALLE NATIONAL BANK as Trustee under Trust No. 21113, et al,
Defendants

NO. 78 M1 16346

STIPULATION

IT IS HEREBY STIPULATED by and between the parties hereto that the judgment erroneously entered against LaSalle National Bank of Chicago as trustee under Trust No. 21113 on the half-sheet of the Court Clerk on July 13, 1978, be vacated, in view of the fact that the Bank was previously discharged by draft order; and

THAT SAID JUDGMENT be vacated instanter.

/s/ (*Illegible*)
Atty for Plaintiff

/s/ *William Henning Rubin*
Atty for Defendant Randloph
Mortgage Corporation

Dated at Chicago, Illinois
This 26th day of April 1979

BE IT REMEMBERED, that afterwards, to-wit: on the 26th day of APRIL, A.D. 1979 the following among other proceedings were had and entered of record in said Court which proceedings were and are in words and figures following to-wit:

PRESENT HONORABLE MICHAEL F. ZLATNIK
One of the Judges of the Court

BERNARD CAREY, State's Attorney
RICHARD J. ELROD, Sheriff
MORGAN M. FINLEY, Clerk

PEOPLES GAS LIGHT & COKE CO.,
a public utility corp.

vs.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee u/t 21113, RANDOLPH MORTGAGE CORPORATION, WILLIAM H. RUBIN, BRIAN FLISK, BARRY FLISK, B. COLEMAN CORP., a corp.,

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No. 78M1-16346
TORT

By Stipulation between the parties, it is ordered by the Court that the Judgment entered herein, JULY 13, 1978 against LA SALLE NATIONAL BANK OF CHICAGO in the amount of NINE THOUSAND TWO HUNDRED EIGHTY AND 94/100 DOLLARS ($9,280.94) be and the same is hereby vacated, set aside and for naught esteemed.

MORGAN F. FINLEY,

Clerk of the Circuit Court of Cook County

IN THE CIRCUIT COURT OF COOK COUNTY,
MUNICIPAL DEPARTMENT FIRST DISTRICT

PEOPLES GAS LIGHT & COKE COMPANY,

Plaintiff

v.

LA SALLE NATIONAL BANK, ET.AL.,

Defendants

NO. 78 M1 16346

FILED
In the Circuit Court of Cook County, Ill.
Municipal Department, First District
Apr 25 1979

/s/ *Morgan M. Finley*
Clerk of Court

ORDER

Entered in Special Order Book No. 169 Page No. 21.

THIS CAUSE COMING ON TO BE HEARD before the Honorable Michael Zlatnik, on the motion of the defendants, Randolph Mortgage Company, William Rubin, Brian Flisk and Barry Flisk, to vacate the judgment heretofore entered by this Court on August 17, 1978 against same; the court being advised of the premises and having heard the arguments of counsel for the respective parties, finds:

(a) that the Court has no record, notes and/or minute book reflecting the names and addresses of the witnesses that testified;

(b) that Judge Lehman Krause entered an order on March 23, 1979 denying defendants previous motion and petition vacate;

(c) that this Court has no jurisdiction to hear this motion to vacate

It is hereby ordered that no order will be entered on this motion.

4-25, 1979

ENTER: /s/ *Michael Zlatnik*
Judge

Wexler, Wexler and Heller, Ltd.
Attorneys at Law
134 North La Salle Street
Chicago, Illinois 60602

(312) 236-3644 (312) 726-3327

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

PEOPLES GAS LIGHT & COKE CO.,
Plaintiff-Appellee,

v.

LA SALLE NATIONAL BANK OF CHICAGO, as Trustee Under Trust No. 21113, et.al.,
Defendants-Appellants

NO. 79-857

ORDER

THIS CAUSE COMING ON TO BE HEARD on the motion of the Plaintiff-Appellee to strike and dismiss the Appeal heretofore filed in the above-captioned matter due to lack of jurisdiction; this Court being advised of the premises, having read the petitions of the respective parties and having reviewed the Short Record On Appeal:

IT IS HEREBY ORDERED that the motion of the Plaintiff-Appellee is granted.

Dated: July 12, 1979

Justice /s/ *Mel R. Jiganti*
Justice /s/ *David Linn*
Justice /s/ *Philip Romiti*

Wexler, Wexler & Heller, Ltd.
Attorney for Plaintiff-Appellee
134 North La Salle Street
Chicago, Illinois
RA-6-3327

STATE OF ILLINOIS
OFFICE OF
CLERK OF THE SUPREME COURT
Springfield

January 16, 1980

Mr. William Henning Rubin
Attorney at Law
188 W. Randolph Street
Suite 714
Chicago, IL 60602

In re: Peoples Gas Light & Coke Company,
respondent, vs. LaSalle National Bank,
as Trustee, etc., et al., petitioners—
No. 52347

Dear Mr. Rubin:

The Supreme Court of the State of Illinois denied the petition for leave to appeal on October 1, 1979, and denied the motion by petitioners for reconsideration of the order denying petition for leave to appeal on November 13, 1979, concerning the above entitled cause.

Very truly yours,

/s/ Clell L. Woods
Clerk of the Supreme Court

CLW:cr